

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

FAIR FIGHT ACTION, *et al.*,

*Plaintiffs,*

v.

BRAD RAFFENSPERGER, *et al.*,

*Defendants.*

Civil Action File  
No. 1:18-cv-05391-SCJ

**PLAINTIFFS' STATUS UPDATE PURSUANT TO THE COURT'S  
JANUARY 31, 2020, ORDER (ECF No. 205)**

**I. Defendants' Document Productions**

Defendants have not produced any additional documents since their production on January 29, 2020 (which was limited to replacing two earlier productions and included some documents for one of Plaintiffs' experts).

**II. Plaintiffs' Expert Witnesses**

**a. Status of Expert Reports**

Plaintiffs have confirmed with their expert witnesses Halderman, Mayer, Herron, and McDonald that each will meet this Court's strict February 17, 2020, deadline for submission of expert reports.

**b. Status of Expert Deposition Scheduling**

<b>Expert</b>	<b>Dates and Locations Offered</b>	<b>Status</b>
Dr. Halderman	February 25, in Ann Arbor or Detroit.	Confirmed for February 25 in Detroit.  Details (time and location) to be determined.
Dr. Mayer	February 24, 26 or 28, in Madison.	Awaiting Defendants' response.
Dr. Herron	February 26, in New York City.	Awaiting Defendants' response.
Dr. McDonald	February 28, in Atlanta.	Awaiting Defendants' response.
Dr. Graves	February 25, in Boston.	Confirmed for February 25 in Boston.  Details (time and location) to be determined.

### **III. Defendants' February, 4, 2020, Submission**

On February 4, as the Court directed, Defendants filed a list of current and former employees of the Secretary of State's Elections Division and Deputy Secretaries of State employed since 2016. (ECF No. 214-2). In preparing the list, Defendants followed the Court's direction that they include only people who work (or worked) within the Elections Division and also including any Deputy Secretary of State. (ECF No. 205).

What Defendants filed, however, highlights the very problems with Defendants' production because there are employees of the Secretary of State's Office, outside the Elections Division, who routinely worked directly on Election Division matters and whom we believe are likely to possess documents responsive to Plaintiffs' document requests. How these people are assigned in the Secretary of State's office structure is a fact uniquely known to Defendants.

For example, the list Defendants provided does not include Sanford Merritt Beaver. Mr. Beaver is the Chief Information Officer for the SOS's Office. In fact, Defendants listed Mr. Beaver in their Initial Disclosures as one of the three people "likely to have discoverable information [. . .] to support [their] claims or defenses." Mr. Beaver was even the 30(b)(6) designee for the SOS for a deposition last August. But, he is not included on Defendants' list because, presumably, he is technically an employee of the SOS's Office and does not report to anyone in the

Elections Division. An additional example is the investigators who investigate voter complaints and who prepare reports summarizing their findings for review and action by the State Election Board. Apparently, they are not employees of the Elections Division.<sup>1</sup> Similarly, Ryan Germany, General Counsel to the SOS, does not appear on Defendants' list even though he is the basis for assertion of privilege on Defendants' privilege log. Nor does the name Candice Broce, the former Director of Communications, appear on Defendants' list despite the fact that Defendants have produced numerous (and responsive) documents in which Ms. Broce responds to press inquiries about the 2018 election and communicates with Elections Division personnel to obtain the facts for those responses.

Further, while we appreciate Defendants' providing employees' job titles as part of their list, the job titles that Defendants listed for certain employees do not match the titles provided for those employees in other of Defendants' records. Specifically, Jessica Cagle is listed as "Admin Assistant 2" in Defendants' list of employees, but is identified as "Constituent Services Coordinator" in a photo

---

<sup>1</sup> Defendants have produced investigative reports of voter complaints from elections prior to 2018 and 2019. Plaintiffs have also found one such report (in their motion for leave (ECF No. 216), Plaintiffs inadvertently said there were no reports) for a complaint about the December 2018 run-off election. Plaintiffs have requested all such reports for the 2018 and 2019 elections; while Plaintiffs have been able to locate only one such report to date, there may be—and should be—more in Defendants' productions.

directory of the Elections Division from October 2019, attached as Exhibit 1. Similarly, Brandon Phifer and Kevin Reaves are listed as having the position “Busi[ness] Support Analyst 2” in Defendants’ list, but are identified as “Election Systems Support Specialists” in Defendants’ photo directories. *See* Exhibit 1; STATE-DEFENDANTS-0001475, attached as Exhibit 2.<sup>2</sup>

### **CERTIFICATE OF COMPLIANCE**

I certify this Status Report has been prepared in a Times New Roman 14-point font, one of the selections this Court has approved. *See* LR 5.1(C)(3).

Respectfully submitted, this, the 7th day of February, 2020.

/s/ Leslie J. Bryan

Allegra J. Lawrence (GA Bar No. 439797)

Leslie J. Bryan (GA Bar No. 091175)

Maia Cogen (GA Bar No. 832438)

Suzanne Smith Williams (GA Bar No. 526105)

**LAWRENCE & BUNDY LLC**

1180 West Peachtree Street

Suite 1650

Atlanta, GA 30309

Telephone: (404) 400-3350

Fax: (404) 609-2504

allegra.lawrence-hardy@lawrencebundy.com

leslie.bryan@lawrencebundy.com

maia.cogen@lawrencebundy.com

suzanne.williams@lawrencebundy.com

---

<sup>2</sup> Although Defendants indicated in their response to the Court’s Order that they were also attaching available job descriptions, no job descriptions were included in the relevant exhibit. *See* ECF No. 214 at 2; ECF No. 214-2. They were filed with the Court on February 6, 2020. *See* ECF No. 219.

Thomas R. Bundy (Admitted *pro hac vice*)  
**LAWRENCE & BUNDY LLC**  
8115 Maple Lawn Boulevard  
Suite 350  
Fulton, MD 20789  
Telephone: (240) 786-4998  
Fax: (240) 786-4501  
thomas.bundy@lawrencebundy.com

Dara Lindenbaum (Admitted *pro hac vice*)  
**SANDLER REIFF LAMB  
ROSENSTEIN &  
BIRKENSTOCK, P.C.**  
1090 Vermont Avenue, NW  
Suite 750  
Washington, DC 20005  
Telephone: (202) 479-1111  
Fax: 202-479-1115  
lindenbaum@sandlerreiff.com

Elizabeth Tanis (GA Bar No. 697415)  
John Chandler (GA Bar No. 120600)  
957 Springdale Road, NE  
Atlanta, GA 30306  
Telephone: (404) 771-2275  
beth.tanis@gmail.com  
[jachandler@gmail.com](mailto:jachandler@gmail.com)

Kurt G. Kastorf (GA Bar No. 315315)  
**THE SUMMERVILLE FIRM, LLC**  
1226 Ponce de Leon Avenue, NE  
Atlanta, GA 30306  
Telephone: (770) 635-0030  
Fax: (770) 635-0029  
kurt@summervillefirm.com

Matthew G. Kaiser (Admitted *pro hac vice*)  
Sarah R. Fink (Admitted *pro hac vice*)  
Scott S. Bernstein (Admitted *pro hac vice*)  
Norman G. Anderson (Admitted *pro hac ^*)  
**KAISERDILLON PLLC**  
1099 Fourteenth Street, NW  
Eighth Floor West  
Washington, DC 20005  
Telephone: (202) 640-2850  
Fax: (202) 280-1034  
mkaiser@kaiserdillon.com  
sfink@kaiserdillon.com  
sbernstein@kaiserdillon.com  
nanderson@kaiserdillon.com

Andrew D. Herman (Admitted *pro hac vice*)  
Nina C. Gupta (Admitted *pro hac vice*)  
**MILLER & CHEVALIER  
CHARTERED**  
900 Sixteenth Street, NW  
Washington, DC 20006  
Telephone: (202) 626-5800  
Fax: (202) 626-5801  
aherman@milchev.com  
ngupta@milchev.com

Kali Bracey (Admitted *pro hac vice*)

**JENNER & BLOCK LLP**

1099 New York Avenue, NW

Suite 900

Washington, DC 20001

Telephone: (202) 639-6000

Fax: (202) 639-6066

[kbracey@jenner.com](mailto:kbracey@jenner.com)

Jeremy H. Ershow (Admitted *pro hac vice*)

**JENNER & BLOCK LLP**

919 Third Avenue

New York, New York 10022

Telephone: (212) 891-1600

Fax: (212) 891-1699

[jershow@jenner.com](mailto:jershow@jenner.com)

Von A. DuBose

**DUBOSE MILLER LLC**

75 14th Street N.E., Suite 2110

Atlanta, GA 30309

Telephone: (404) 720-8111

Fax: (404) 921-9557

[dubose@dubosemiller.com](mailto:dubose@dubosemiller.com)

Paul M. Smith (admitted *pro hac vice*)

Johnathan Diaz (admitted *pro hac vice*)

**CAMPAIGN LEGAL CENTER**

1101 14th Street, NW, Suite 400

Washington, DC 20005

Telephone: (202) 736-2200

[psmith@campaignlegal.org](mailto:psmith@campaignlegal.org)

[jdiaz@campaignlegal.org](mailto:jdiaz@campaignlegal.org)

*Counsel for Fair Fight Action, Inc.; Care in Action, Inc.; Ebenezer Baptist Church of Atlanta, Georgia, Inc.; Baconton Missionary Baptist Church, Inc.; Virginia-Highland Church, Inc.; and The Sixth Episcopal District, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that, on February 7, 2020, I caused to be served the foregoing **PLAINTIFF'S STATUS UPDATE PURSUANT TO THE COURT'S JANUARY 31, 2020 ORDER (ECF No. 205)** by filing it through the Court's ECF system, which will serve the following counsel:

Chris Carr, Esq.  
Attorney General  
Dennis Dunn, Esq.  
Deputy Attorney General  
Russell Willard, Esq.  
Senior Assistant Attorney General  
**Georgia Office of the Attorney General**  
40 Capitol Square  
Atlanta, GA 30334  
ccarr@law.ga.gov  
ddunn@law.ga.gov  
rwillard@law.ga.gov

Joshua Barrett Belinfante, Esq.  
Vincent Robert Russo, Jr., Esq.  
Brian Edward Lake, Esq.  
Carey Allen Miller, Esq.  
Alexander Denton, Esq.  
Special Assistant Attorneys General  
**Robbins Ross Alloy Belinfante Littlefield, LLC**  
500 Fourteenth St., N.W.  
Atlanta, GA 30318  
Telephone: (678) 701-9381  
Fax: (404) 856-3250  
jbelinfante@robbinsfirm.com  
blake@robbinsfirm.com  
vrusso@robbinsfirm.com  
cmiller@robbinsfirm.com  
adenton@robbinsfirm.com



Bryan P. Tyson, Esq.  
Bryan F. Jacoutot, Esq.  
Diana LaRoss, Esq.  
Special Assistant Attorneys General  
**Taylor English Duma LLP**  
1600 Parkwood Circle  
Suite 200  
Atlanta, GA 30339  
Telephone: (678) 336-7249  
btyson@taylorenghish.com  
[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)  
[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)

This, the 7th day of February, 2020.

/s/ Leslie J. Bryan  
Leslie J. Bryan